

OGC HAS REVIEWED.

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# 231

30 April 1954

*Personnel 10-2*

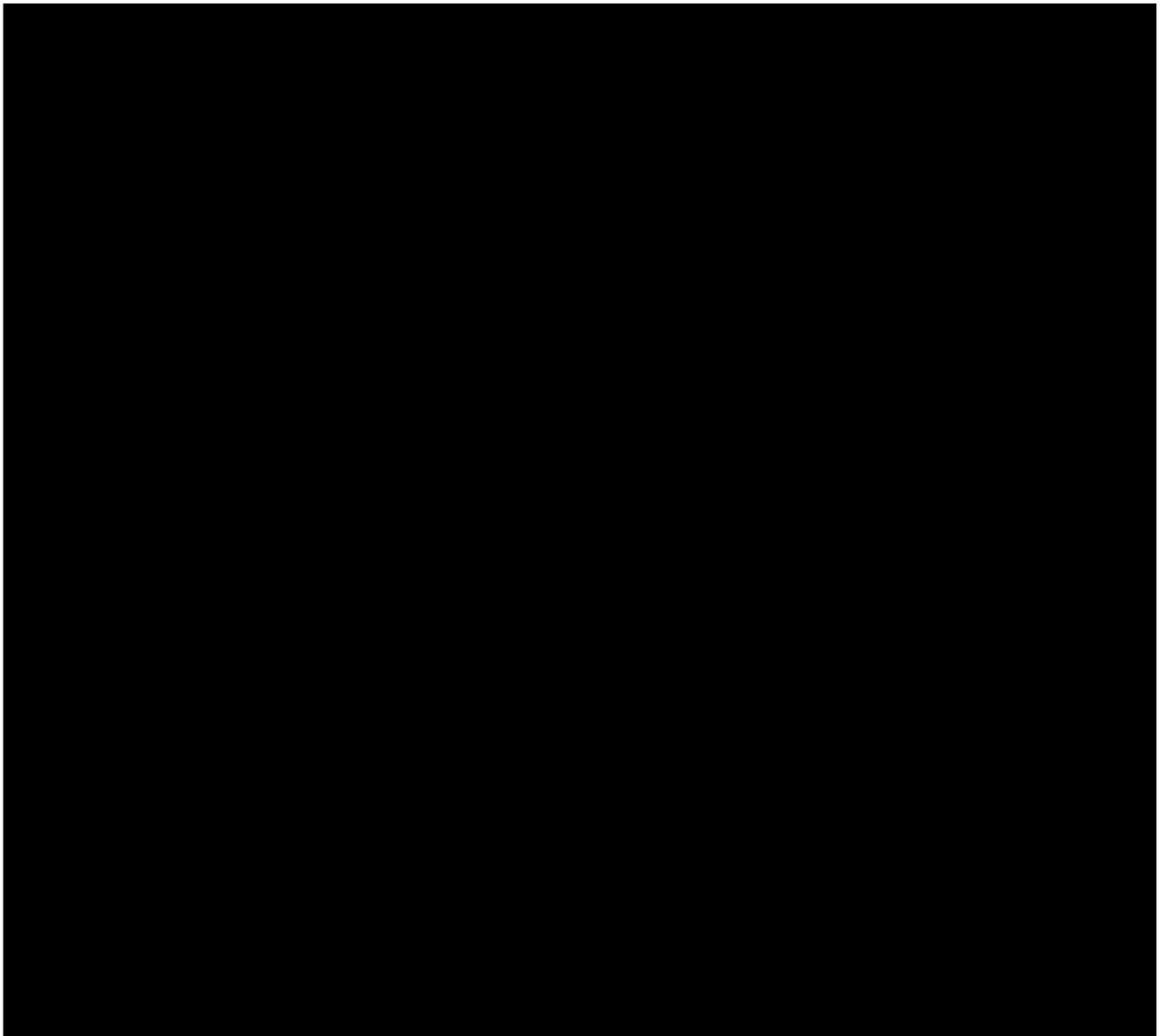
Memorandum For: Chief, EE (Administration)

Through : CGA/DD/P

Subject : Home Leave Privileges for Married Personnel

1. This will confirm the conversations with the undersigned concerning the questions posed in your memorandum of 26 February 1954, subject as above.

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4. With respect to particular fact situations, you state:

25X1C4d a. One case involves two employees of the [REDACTED] 25X1A6a  
25X1C4c both of whom are under [REDACTED] Immediately prior to their  
25X1C4d marriage, the wife was notified by the [REDACTED] that she was  
authorized to return to Washington on home leave, having com-  
pleted a two-year tour. [REDACTED] did not know of her impending  
marriage which took place 2 February 1954 immediately after  
she received notice re her home leave. She is now in Ohio.  
After completing her home leave, she expects to return to  
25X1A6a [REDACTED] resign from the [REDACTED] and continue 25X1C4d  
25X1A6a her employment with the [REDACTED] under [REDACTED] 25X1C4c  
25X1C4d [REDACTED] Her husband will become eligible for home leave  
in about a year. We would appreciate your comment as to the  
legality of her home leave travel, which has already occurred,  
and also a clarification of the rights and privileges of home  
leave she will accrue as a result of her continuing employment  
with the Agency.

As to "the legality of her home leave travel" the fact of her marriage in no way conditions her right thereto. It is noted, however, that the leave and travel in this instance is

[REDACTED] 25X1C4c  
and is not deducted from the annual leave balance of the employee. In view of her pending termination with [REDACTED] upon return from home leave, however, it must be assumed that the provisions of section 452.2, Restrictions Relating to Home Leave, of Part IV, FSM, have been considered. It is there provided:

25X1A  
[REDACTED]

The rights and privileges she will accrue in the future are those of any other officer or employee.

b. In another case, a female employee eligible for home leave benefits married a male employee, likewise eligible for home leave benefits. However, they chose to travel to the United States at different times and to different destinations. We, therefore, present the question for your determination as to whether a wife, who is also an employee who has earned home leave benefits, may select a legal residence in the United States for home leave purposes which is different from the legal residence of her husband.

In accordance with the considerations set forth at paragraph 3 above, this office perceives no legal objection where an employee is returned to his or her residence of record within the United States.

c. Another case, which has not yet arisen, but which may present itself, concerns a female employee of the [REDACTED] 25X1A6a

who has just returned to the United States as a dependent wife of a male employee on home leave. The wife made the trip on a leave without pay basis in order to preserve her annual leave balances. This presents the question as to whether in another year, when she has completed two years employment in [REDACTED] 25X1A6a she will be entitled to home leave privileges as a result of her own employment. In other words, does a wife, who is also an employee, occupy a dual status with respect to home leave privileges? May she accompany her husband during his home leave travel as his dependent, and also return at a different time for home leave on the basis of privileges which she herself has earned?

In the absence of other controlling circumstances not apparent in the facts presented, such an employee would be entitled to travel to the United States for annual leave in accordance with the statutory authority set forth at paragraph 2 above.

25X1A9a

[REDACTED]  
Office of General Counsel

OGC/JGO:cdg

cc: Subject ✓

Signer

Legal

Vital

Chrono